

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

CHARLES JOSEPH HARTMAN,

Plaintiff,

v.

WARDEN DEXTER MOSES, *et al.*,

Defendants.

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Case No. 4:23-cv-00007-CDL-MSH

ORDER

Pro se Plaintiff Charles Joseph Hartman, a prisoner previously incarcerated in Rutledge State Prison in Columbus, Georgia, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1) as well as several motions to amend his complaint or supplemental complaints. ECF Nos. 2, 3, 6, 7. Plaintiff also filed a statutorily incomplete motion to proceed *in forma pauperis* (ECF No. 4) and after being ordered to do so by the Court (ECF Nos. 8 and 18), he eventually submitted a certified copy of his inmate account statement (ECF No. 24). On January 25, 2023, this Court ordered Plaintiff to recast his claims into one operative complaint and provided him with a detailed roadmap on how to do so. ECF No. 8. Following this Court's order, Plaintiff then filed nine (9) more complaints or "amended complaints". ECF Nos. 10, 12, 13, 14, 17, 22, 23, 25, and 26.

On May 3, 2023, the Magistrate Judge granted Plaintiff's motion to proceed *in forma pauperis* and recommended dismissal of this civil action for failure to follow the Court's orders, for filing impermissible shotgun pleadings, and as malicious under 28 U.S.C §1915 for failure to truthfully disclose his prior litigation history. *See* ECF No. 30.

Rather than objecting to the recommendation of dismissal, Plaintiff has now filed a “motion to dismiss”. ECF No. 32.

Rule 41 of the Federal Rules of Civil Procedure provides that a “...plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion to summary judgment, or (ii) a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A). Accordingly, Plaintiff’s motion to dismiss (ECF No. 32) is **GRANTED**, and this action is **DISMISSED without prejudice**.

SO ORDERED, this 28th day of July, 2023.

s/Clay D. Land

CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT